

LAW OFFICES

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refund

06-24-02

VANOPHEM & VANOPHEM, P.C.

PATENT AND TRADEMARK PRACTICE

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May 14, 2002

Commissioner of Patents
and Trademarks
Office of Finance
Refund Section
Box 16
Washington D.C., 20231

RE: Deposit Account 220212

Dear Sir or Madam:

Our March 31, 2002 Deposit Account Statement reflects what we believe to be an erroneous charge in the amount of \$400.00 for a large entity two-month extension for Serial Number 09/509,853. The Patent Office Control Number is 159. Although we requested such extension, our account was also charged for \$405.00 for a three-month extension at small entity rates. Upon review of this matter, the \$405.00 charge is correct. Likewise, with regard to the same Serial Number, we submitted fees to the USPTO paid by check (\$320.00 for a Notice of Appeal and an additional \$320.00 for the filing of an Appeal Brief). Both amounts were improperly calculated at large entity rates, when in fact these fees should have been submitted to the USPTO at small entity rates.

On December 20, 2001, we requested a one-month extension and paid the appropriate small entity fee of \$55.00 for such extension. See the enclosed documents supporting this one-month extension. When it became apparent to us that a one-month extension would not be sufficient, a request for a two-month extension was made on March 5, 2002, but the documents we submitted incorrectly authorized a charge to our deposit account in the amount of \$400.00 (which is the large entity rate for a two-month extension). Such request did not take into account the fact the we already paid for the one-month extension, as well as the fact that the request should have been at small entity rates, rather than at large entity rates. This is the \$400.00 that was erroneously charged to our account on March 18, 2002; please note that on the same day, however, the USPTO also charged our account for \$405.00 for the SAME Serial No. 09/509,853. This amount reflects the incremental fee due for a three-month extension at small entity rates. Upon review of this matter, a three-month extension is appropriate and we are not disputing this amount (which was properly charged at small entity rates). The amount that we are disputing and requesting a refund for is the \$400.00 two-month extension at large entity

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rates, which is a duplicate charge in light of the \$405.00 charge properly made by the USPTO on the same date.

To add to this confusion, we submitted two checks to the USPTO for a Notice of Appeal and the filing of an Appeal Brief. The check submitted on February 21, 2002 with the Notice of Appeal should have been for \$160.00 (small entity) rather than \$320.00 (large entity). We kindly request refund of one-half of the actual check submitted. Please kindly credit our deposit account for the error made on our part.

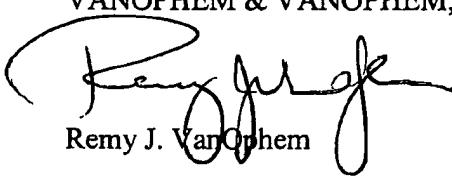
On April 22, 2002, the Appeal Brief was submitted to the USPTO, along with a check for \$320.00. Again, this check should have been for \$160.00 (small entity) rather than \$320.00 (large entity). We likewise kindly request refund of one-half of the actual check submitted. Please kindly credit our deposit account for the error made on our part.

In summary, the total amount of this refund request is for \$720.00. This amount includes the \$400.00 large entity two-month extension charged to the deposit account on March 18, 2002; the \$160.00 difference between large entity and small entity for a Notice of Appeal submitted on February 21, 2002; and an additional \$160.00 difference between large entity and small entity for the Appeal Brief submitted on April 22, 2002.

We kindly request that you consider the facts and circumstances surrounding this matter for Serial No. 09/509,853. Based on the information and documentation provided, prompt crediting of \$720.00 to Deposit Account #220212 is respectfully requested.

Sincerely,

VANOPHEM & VANOPHEM, P.C.


Remy J. VanOphem

/bal
Enclosure